

EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH MANTHA on behalf of himself
and others similarly situated,

Plaintiff,

CASE NO. 1:19-cv-12235-LTS

QUOTEWIZARD.COM, LLC

Defendant.

VIDEOTAPED DEPOSITION OF

MATTHEW WEEKS

CONDUCTED VIRTUALLY

Friday, September 8, 2023

11:11 a.m. EDT

Laurie K. Langer, RPR

<p>1 us.</p> <p>2 Q. And how would you define a "lead" in this 3 context?</p> <p>4 A. I would define the lead as a, a lead as a 5 consumer looking to get insurance quotes.</p> <p>6 Q. And what is in a lead that QuoteWizard would 7 purchase from one of your vendors?</p> <p>8 A. Did you say, "what is in a lead"?</p> <p>9 Q. Yeah. What is the information that QuoteWizard 10 requires of its lead vendors?</p> <p>11 A. There is a ton of information. I would have 12 to -- for every -- for everything that we require for a 13 lead I would have to consult our integration 14 documentation.</p> <p>15 Q. Okay. Well, why don't you start by just telling 16 me generally what are the types of information that has 17 to be provided by a lead vendor?</p> <p>18 A. Are we talking about an auto insurance lead, a 19 home insurance lead, health insurance lead, Medicare? 20 Information is different for all of them.</p> <p>21 Q. You pick the example. I'm -- how about a --</p> <p>22 A. Okay.</p> <p>23 Q. -- how about an auto insurance lead?</p> <p>24 A. Okay. At a high level obviously we need the name</p>	<p>Page 18</p> <p>1 A. That's a -- I mean, there's a huge bunch of logic 2 behind that as well that I'm -- it's -- it depends on 3 how well the lead matches. I mean, there are a lot of 4 factors.</p> <p>5 It depends on how well the lead matches, what 6 insurance company or agent it matches to. What state 7 it's in.</p> <p>8 The, you know, down to the ZIP code, the age of 9 the consumer, you know, there is a lot of things that go 10 into place as far as formulating a bid for a lead.</p> <p>11 Q. Okay. And you're familiar with the QuoteWizard's 12 contracts with its lead vendors in your job; correct?</p> <p>13 A. I -- I am familiar with them, yes.</p> <p>14 Q. Is there someone who would be more familiar with 15 them?</p> <p>16 A. Probably our legal counsel. I mean, they handle 17 the contracting.</p> <p>18 Q. Okay. Does QuoteWizard review -- well, let 19 me -- let me back up.</p> <p>20 Do you know how lead vendors obtain the leads 21 that they're attempting to sell to QuoteWizard?</p> <p>22 MR. POLANSKY: Objection.</p> <p>23 A. I -- I can't speak with any accuracy as to how 24 other people do business, but we -- you know, it depends</p>
<p>1 of a consumer, phone number, address, e-mail.</p> <p>2 Q. And do you know where -- if someone was -- do 3 they have to provide the type of car they're looking to 4 insure?</p> <p>5 A. For auto insurance that's one of the categories, 6 yeah.</p> <p>7 Q. And how does QuoteWizard receive that lead, I 8 mean, how is it transmitted to you?</p> <p>9 A. So I'm going to preface this with that I am not a 10 tech person at all, so I'm probably not going to give 11 the best answer to this.</p> <p>12 But we operate on what's called a ping post 13 system. The vendor pings -- we call it a ping. They -- 14 basically, they send a lead, you know, a little snippet 15 of a lead into our API, into our system. And our system 16 takes a look at that, determines whether or not we want 17 to make a bid on the lead. And then we transmit 18 essentially yes or no back to that vendor, and then they 19 make a determination on whether they want to sell us the 20 lead.</p> <p>21 Q. Is the price of a lead preset?</p> <p>22 A. It's not. It's -- it's variable.</p> <p>23 Q. And what are the things that cause it to be 24 variable?</p>	<p>Page 19</p> <p>1 on -- it depends on the vendor. You know, they do 2 different things. We work with different partners for 3 different reasons.</p> <p>4 Q. Okay. And do -- do your vendors typically have 5 websites at which people express an interest to obtain 6 insurance?</p> <p>7 A. Yes.</p> <p>8 Q. And does QuoteWizard review the content of those 9 websites prior to signing up a vendor? A lead vendor.</p> <p>10 A. Yes.</p> <p>11 Q. How do you review those websites?</p> <p>12 A. Exactly that. When we're having our initial 13 conversations with vendors we're, you know, we ask for 14 the URLs of the websites they use to generate, you know, 15 their, their, for their funnel. And we'll take a look 16 at those.</p> <p>17 Q. Do you do that review?</p> <p>18 A. I -- I have done it. I don't do it as much 19 anymore.</p> <p>20 Q. Who does that review now prior to contracting 21 with a lead vendor?</p> <p>22 A. Any number of people. The two women I mentioned 23 earlier, Sidney and Rachel. Another gentleman, 24 Eliot Anderson. There's another one, Lauren London, who</p>

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<p style="text-align: right;">Page 22</p> <p>1 is on our business development side who does that. And 2 then she's got a couple of people on her team that, I 3 believe, also do it.</p> <p>4 Q. But the websites at which these third-party lead 5 vendors generate leads are not QuoteWizard websites; 6 correct?</p> <p>7 A. For the third-party traffic that, that me and my 8 team are specifically by? No, that does not come from 9 QuoteWizard's websites.</p> <p>10 Q. Okay. And are you familiar with -- do you have 11 any responsibility for leads that come through 12 QuoteWizard's own websites?</p> <p>13 A. I do not.</p> <p>14 Q. Are you familiar with, with the term "inbound" 15 with respect to a lead?</p> <p>16 A. Yes.</p> <p>17 Q. And is inbound a reference to a lead that's 18 generated on a third-party lead vendor website?</p> <p>19 A. Yes.</p> <p>20 Q. And in interrogatories in this case I believe 21 you've identified that there are approximately 180 lead 22 vendors that QuoteWizard uses; is that correct?</p> <p>23 A. That number fluctuates. We're not at 180 at this 24 present moment. It's -- that number is not a static</p>	<p style="text-align: right;">Page 24</p> <p>1 that particular answer, because if I'm remembering 2 correctly I believe that number was a total number of 3 vendors that we had worked with, it wasn't -- I think 4 that was for a certain period of time.</p> <p>5 Q. Okay. Why don't we do that.</p> <p>6 A. That wasn't a number like an always, an always 7 number. If I'm remembering correctly.</p> <p>8 Q. Let's see if I can pull up the right one.</p> <p>9 Okay. I have marked as Exhibit 2</p> <p>10 Defendants -- can you see that screen?</p> <p>11 A. Yeah, I'm pulling it up right now.</p> <p>12 Q. Okay. Great.</p> <p>13 (Deposition Exhibit No. 2 marked for 14 identification.)</p> <p>15 A. Which number am I looking for?</p> <p>16 Q. I'm just identifying it for the record. I'm 17 showing you what's been marked as Exhibit 2, Defendant's 18 Supplemental Responses to Plaintiff's Third Set of 19 Interrogatories.</p> <p>20 And I believe it's asked --</p> <p>21 A. Okay. I see it. It's in -- it's in the 22 first -- it's in the two, number 2.</p> <p>23 Q. Number 2. Okay. Thank you.</p> <p>24 A. One, two, three, four, it's in the fifth</p>
<p style="text-align: right;">Page 23</p> <p>1 number.</p> <p>2 Q. What -- what are you at now?</p> <p>3 A. I would say that we are -- we're probably in the 4 neighborhood of 80 to 90 right now.</p> <p>5 Q. Okay. And --</p> <p>6 MR. POLANSKY: And, Ted, I don't mean to 7 interrupt, but your computer screen is on our screen.</p> <p>8 VIDEOGRAPHER: Ted, I don't mean to 9 interrupt either, but I don't suppose you got my chat 10 message.</p> <p>11 MR. BRODERICK: Oh. I wasn't looking. 12 Sorry.</p> <p>13 VIDEOGRAPHER: Okay. I'll just reiterate, 14 if you wouldn't mind when you're finished, when you're 15 finished with a document, questioning on the document, I 16 would take it down or otherwise it just stays up there.</p> <p>17 MR. BRODERICK: Okay. Got it. Got it.</p> <p>18 VIDEOGRAPHER: Okay.</p> <p>19 MR. POLANSKY: Sorry, Ted.</p> <p>20 MR. BRODERICK: No, no. Thank you.</p> <p>21 Q. But over the last four years was, was 180 an 22 average; or do you have a sense?</p> <p>23 A. An average over the last four years. I'd 24 also -- I would want to look at the interrogatory of</p>	<p style="text-align: right;">Page 25</p> <p>1 paragraph down.</p> <p>2 Q. On the fifth page?</p> <p>3 A. Correct. That's where I'm seeing it at least.</p> <p>4 Q. Right. And it says, "in the putative class 5 period, QuoteWizard purchased leads from (approximately) 6 over 180 possible lead suppliers."</p> <p>7 And this is -- these are interrogatories that you 8 signed, correctly -- correct?</p> <p>9 A. Let me -- yes.</p> <p>10 Q. And your answer goes on to say that QuoteWizard 11 purchased -- "these lead suppliers in turn necessarily 12 would have purchased -- would have either purchased 13 leads from or generated leads from thousands (if not 14 hundreds of thousands) of different lead websites that 15 necessarily have various different forms of consent 16 language that might be contested by counsel and would 17 require individualized inquiries into each consumer's 18 agreement to disclosure language."</p> <p>19 And that's your answer; correct?</p> <p>20 A. Correct.</p> <p>21 MR. POLANSKY: Just for clarification. I 22 think that's part of the objection.</p> <p>23 MR. BRODERICK: It says "answer."</p> <p>24 Interrogatory 2, answer.</p>

<p style="text-align: right;">Page 34</p> <p>1 year, market conditions, cost of doing business. It 2 varies.</p> <p>3 So across the four-year period it would be really 4 tough to give you an average. I mean, I could give you 5 an average, but.</p> <p>6 Q. Sure, yeah. We're talking ballpark.</p> <p>7 MR. POLANSKY: Objection.</p> <p>8 You can answer.</p> <p>9 A. I would say over -- what four-year period are we 10 talking?</p> <p>11 Q. The last four years. Well, let's say going back 12 to 2019, which is four years.</p> <p>13 A. Yeah. I -- I would say, if I had to give an 14 average, I would say maybe two-thirds third party, 15 one-third our own.</p> <p>16 Q. Is QuoteWizard trying to move towards more of the 17 leads coming from your own website?</p> <p>18 A. We always are, yes.</p> <p>19 Q. And is that because obviously you don't have to 20 pay for those leads to a third-party lead broker?</p> <p>21 A. There's a lot of reasons.</p> <p>22 It's a -- the -- the leads -- we find that our 23 own leads perform better for the insurance agents and 24 carriers.</p>	<p style="text-align: right;">Page 36</p> <p>1 A. It's not dependent on the consumer becoming a 2 Geico customer, no.</p> <p>3 Q. And so when you said you, you base the existence 4 of consent on the success rate; what do you mean by 5 that? What's the success rate there?</p> <p>6 A. Well, there's a couple of different things that 7 we use.</p> <p>8 We don't really get -- I think what you're asking 9 about is kind of the bind rate data, like, how often 10 does a consumer convert to a policy for an insurance 11 carrier. We don't really get that from many of the 12 carriers, they're pretty -- they hold that pretty close 13 to the vest.</p> <p>14 But the main areas I would say is agents have the 15 ability to return leads and we track that pretty 16 closely, the return rate of leads.</p> <p>17 So I'm not going to be working with anybody where 18 their leads are returned because that's a, obviously we 19 end up eating that cost.</p> <p>20 And I would also say, I mean, the frequency, the 21 amount of leads that we purchase in the, you know, the 22 frequency of any sort of issues.</p> <p>23 Q. Well, let me -- let me back up.</p> <p>24 On what basis could an insurance carrier or an</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. And do you have a higher degree of confidence 2 that your own websites get TCPA compliant consent than 3 third-party lead brokers?</p> <p>4 MR. POLANSKY: Objection.</p> <p>5 A. I think everybody gets consent.</p> <p>6 Q. All right. Say that again.</p> <p>7 A. I said I think everybody gets consent.</p> <p>8 Q. You think everybody gets consent. And you think 9 that about all of the third-party lead vendors that you, 10 you get consent from.</p> <p>11 What do you base that on?</p> <p>12 A. I base that on our contracts with them. They'd 13 be in violation of their contracts with us if they 14 didn't get consent. I base it off of our success with 15 the leads as well.</p> <p>16 Q. And what is the success rate of -- well, when you 17 say, "success with the leads," when QuoteWizard sells a 18 lead to, let's just say you have a lead that you got 19 from a third party, and you in turn sell it to, say, 20 Geico Insurance, how does QuoteWizard get paid for that 21 lead by Geico?</p> <p>22 A. We get paid as soon as we deliver it to them.</p> <p>23 Q. So it's not dependent on whether Geico actually 24 sells that person insurance?</p>	<p style="text-align: right;">Page 37</p> <p>1 agent return a lead to QuoteWizard?</p> <p>2 A. There's a myriad of reasons that I don't have -- 3 I don't have those memorized.</p> <p>4 Q. How about you just describe generally.</p> <p>5 A. There's literally a list of, like, probably 30 6 reasons, I think, that they can, they can return leads.</p> <p>7 I'd say, you know, a main one would be like the 8 contact disconnect -- like, the phone number 9 disconnected.</p> <p>10 Q. What are some other reasons?</p> <p>11 A. It's not my -- I don't handle returns so it's not 12 my area of expertise. It's, like I said, it's a huge, 13 it's a pretty big list.</p> <p>14 Q. But it's fair to say it's not limited to, "we're 15 returning this lead because this person didn't consent 16 to receive telephone solicitations;" correct?</p> <p>17 MR. POLANSKY: Objection.</p> <p>18 You can answer.</p> <p>19 A. Yeah, it's -- it's -- it's -- it wouldn't be just 20 for that reason, no.</p> <p>21 Q. Could it be that the person has a car that that 22 insurance company doesn't, doesn't insure?</p> <p>23 MR. POLANSKY: Objection.</p> <p>24 You can answer if you know.</p>

<p style="text-align: right;">Page 42</p> <p>1 the lead to, and then if we, essentially if we have the 2 best bid they will then post back to us the full lead 3 details.</p> <p>4 Q. After you purchased it?</p> <p>5 A. Correct.</p> <p>6 Q. And this is all, for lack of a better word, 7 automated; correct?</p> <p>8 A. 100 percent, yeah. I mean, this is, it's 9 happening in milliseconds.</p> <p>10 Q. So there's no people looking at the leads saying, 11 "yeah, we'll buy that one, we won't buy that one"?</p> <p>12 A. No.</p> <p>13 Q. And when the ping and post system, is there 14 anything about consent to receive telemarketing in that, 15 in what is pinged to the, to the QuoteWizard system 16 prior to purchase?</p> <p>17 A. We require that our vendors ping us a Jornaya 18 Lead ID. They have to provide the form URL and they 19 have to provide the IP address on, on the ping.</p> <p>20 And if we don't get any of those three things on 21 the ping we reject the lead outright. We don't even 22 formulate a bid for it.</p> <p>23 Q. Okay.</p> <p>24 A. Actually, let me go back. Not just a Jornaya</p>	<p style="text-align: right;">Page 44</p> <p>1 A. It's the -- so Jornaya is another third-party 2 company that verifies consent. They record a consumer's 3 journey on a website and essentially if a lead, the 4 Lead ID is the token, I guess for lack of a better word, 5 that is attached to that record and that consumer being 6 on whatever website they were on.</p> <p>7 Q. And what is an ActiveProspect? Is it similar?</p> <p>8 A. No, ActiveProspect is a competitor of Jornaya.</p> <p>9 They have what's called the Trusted Form -- they call it 10 Trusted Form. And they provide a Trusted Form Lead ID.</p> <p>11 Q. Now, are there any other similar supposed 12 verifiers of website visits that you're aware of?</p> <p>13 A. Those are the only two that I'm aware of, and 14 that we -- the only two that we essentially require.</p> <p>15 Like, they don't have one of those two we don't 16 buy the lead. We don't even -- we don't even bid on it.</p> <p>17 Q. Okay. And you're aware that Mr. Mantha in this 18 case, the lead that QuoteWizard purchased had a Jornaya 19 Lead ID; correct?</p> <p>20 A. Yes.</p> <p>21 Q. And are you aware of whether that Jornaya Lead ID 22 had any association with Mr. Mantha?</p> <p>23 A. I would --</p> <p>24 MR. POLANSKY: Objection. To the extent</p>
<p style="text-align: right;">Page 43</p> <p>1 Lead ID. A Jornaya Lead ID or the ActiveProspect 2 Trusted Form Lead ID.</p> <p>3 Q. Okay. When you said "IP address" do you mean the 4 IP address of the person whose information is listed in 5 the lead?</p> <p>6 A. Correct.</p> <p>7 Q. And -- but you don't get -- the ping and post 8 system doesn't get -- does it get consent language on 9 the website from which the lead came?</p> <p>10 A. The consent language is also, is part of that as 11 well.</p> <p>12 Q. In some of the documents that I've seen, consent 13 language isn't always captured; correct?</p> <p>14 A. It depends on the time period. Like, we -- at 15 one point it was not a requirement to pass that to us. 16 It is a requirement now.</p> <p>17 Q. When was it not a requirement?</p> <p>18 A. Pre -- it was November of 2019, I believe. When 19 we -- or -- I would have to -- I would have to double 20 check that.</p> <p>21 I believe it was -- actually, I take that back.</p> <p>22 It might have been November of 2020 when that went in. 23 I would have to -- I would have to double check that.</p> <p>24 Q. Can you tell me what a Jornaya Lead ID is?</p>	<p style="text-align: right;">Page 45</p> <p>1 your information comes from counsel.</p> <p>2 A. Okay. What I was going to say is I want to go 3 back through my -- I'd want to look at my previous 4 deposition because I believe we -- I talked about this 5 and I would just refer to my, my past answer.</p> <p>6 Q. Let's take a look at that. I'm just uploading 7 your prior deposition. All right.</p> <p>8 I'm showing you your prior deposition in this 9 case.</p> <p>10 A. Would that be Exhibit 4?</p> <p>11 (Deposition Exhibit No. 4 marked for 12 identification.)</p> <p>13 Q. That's correct.</p> <p>14 And do you have any knowledge of whether Jornaya 15 said that the Jornaya Lead ID was associated with 16 Mr. Mantha?</p> <p>17 A. I have no idea what Jornaya said about anything.</p> <p>18 Q. So you can't contest whether Jornaya said that 19 that's just not his -- that's not his lead. But you 20 still bought it; correct?</p> <p>21 A. We bought the lead in question, yes.</p> <p>22 Q. So it just has to have a Lead ID, but you do 23 nothing independently to verify whether Jornaya, whether 24 that Jornaya Lead ID is associated with the person whose</p>

<p style="text-align: right;">Page 70</p> <p>1 Q. Have you heard of the terminology, "opt in"?</p> <p>2 A. Yes.</p> <p>3 Q. And what does that mean to you?</p> <p>4 A. It means that the consumer is opting in to be contacted.</p> <p>5 Q. Okay. And do you require from your lead vendors all consumers to opt in to being contacted?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay.</p> <p>8 A. You know, we require consent.</p> <p>9 Q. Okay. And with respect to that, you were asked questions about opting out and what's in the contracts with your vendors; do you recall that?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Who -- who drafts those contracts on behalf of QuoteWizard?</p> <p>12 A. Our legal team.</p> <p>13 Q. Okay. And so what's in there is prepared by legal?</p> <p>14 A. Correct.</p> <p>15 Q. And -- and so you would rely upon the legal team in preparing and negotiating those contracts with your vendors?</p> <p>16 A. Correct.</p>	<p style="text-align: right;">Page 72</p> <p>1 Do you recall that?</p> <p>2 A. Yes.</p> <p>3 Q. Does AdHarmonics still go by that name?</p> <p>4 A. They do not. They were acquired, or they became a company called EverQuote. I am not sure at what point, but it's been quite awhile.</p> <p>5 Q. Okay. And do you require all of your lead vendors to have TCPA insertion orders?</p> <p>6 A. Yes.</p> <p>7 Q. And I think just finally you were asked a couple of questions about what you do when you receive a so-called, quote, unquote, complaint.</p> <p>8 And you looked at an e-mail between you and Mr. Fishman; do you recall that?</p> <p>9 A. Uh-huh.</p> <p>10 Q. Now, do you -- for the information that you're looking for for Mr. Fishman, were you looking to confirm information or obtain information at that time?</p> <p>11 A. Confirm. Confirm some and obtain others, I believe, at that point. Yeah.</p> <p>12 Q. Okay. So you already had information on this particular lead?</p> <p>13 A. We had some of the information, yeah.</p> <p>14 Q. Okay.</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. You were asked some questions about, I think you said the term is "credit return;" is that right?</p> <p>2 A. The credit returns, yeah.</p> <p>3 Q. Okay. Is that your department?</p> <p>4 A. I mean, I don't manage the credit return team, no.</p> <p>5 Q. Okay. You were asked a question, I think at least this is the way I heard it.</p> <p>6 The question was phrased, like, in addition to credit returns for consumers that didn't provide consent, would this qualify as a, as a credit return?</p> <p>7 MR. BRODERICK: Objection.</p> <p>8 Q. Do you recall that, that phraseology?</p> <p>9 A. You're saying it, so, yes, I do remember that, yeah.</p> <p>10 Q. Okay. Is there credit returns for lack of consent?</p> <p>11 A. No.</p> <p>12 Q. Are you aware of any -- okay.</p> <p>13 Are there credit returns for, to your knowledge, somebody who doesn't want to be contacted?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. I think you were asked questions about AdHarmonics, the contract with them from 2011.</p>	<p style="text-align: right;">Page 73</p> <p>1 A. From what they had passed to us in the ping.</p> <p>2 Q. Okay. I think that's all I have.</p> <p>3</p> <p>4</p> <p>5 EXAMINATION</p> <p>6</p> <p>7 BY MR. BRODERICK:</p> <p>8 Q. So you said you're not familiar with prior express written consent, but an opt in. But these opt ins that QuoteWizard requires of its lead vendors, they come from a third-party website; correct?</p> <p>9 A. We require all of our vendors to ask for a consent. I mean, whether it be the opt in, you know, however they, however they obtain that.</p> <p>10 Q. And that may be obtained by a sub vendor of your lead vendor; correct?</p> <p>11 A. Correct.</p> <p>12 Q. And QuoteWizard may not have seen the, the sub vendor's website; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And so you can't say whether that website had a check box; correct?</p> <p>15 A. Correct.</p> <p>16 Q. You can't say whether that website had a</p>